

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Fairfield Communications	)	File No. EB-03-TS-038
	)	
Operator of Cable System in:	)	
	)	
Winnsboro, South Carolina	)	
	)	
Request for Waiver of Section 11.11(a) of the	)	
Commission's Rules	)	

**ORDER**

**Adopted: July 9, 2003**

**Released: July 14, 2003**

By the Chief, Technical and Public Safety Division, Enforcement Bureau:

1. In this *Order*, we grant Fairfield Communications ("Fairfield") a temporary waiver of Section 11.11(a) of the Commission's Rules ("Rules") for the above-captioned cable television system. Section 11.11(a) requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System ("EAS") messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.<sup>1</sup>

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934 ("Act"), which requires that cable systems be capable of providing EAS alerts to their subscribers.<sup>2</sup> In 1994, the Commission adopted rules requiring cable systems to participate in EAS.<sup>3</sup> In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems.<sup>4</sup> The Commission declined to exempt small cable systems from the EAS requirements, concluding that such an exemption would be inconsistent with the statutory mandate of Section 624(g).<sup>5</sup> However, the

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<sup>1</sup> 47 C.F.R. § 11.11(a).

<sup>2</sup> Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations ...." 47 U.S.C. § 544(g).

<sup>3</sup> *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Report and Order and Further Notice of Proposed Rule Making*, FO Docket Nos. 91-171/91-301, 10 FCC Rcd 1786 (1994) ("First Report and Order"), reconsideration granted in part, denied in part, 10 FCC Rcd 11494 (1995).

<sup>4</sup> *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Second Report and Order*, FO Docket Nos. 91-171/91-301, 12 FCC Rcd 15503 (1997) ("Second Report and Order").

<sup>5</sup> *Id.* at 15512-13.

Commission extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.<sup>6</sup>

3. Fairfield filed a request for a temporary, 12-month waiver of Section 11.11(a) for the captioned cable system on October 4, 2002.<sup>7</sup> In support of its waiver request, Fairfield states that its small cable system serves approximately 1,877 subscribers. Fairfield further states that it is in the process of rebuilding its system, changing from analog to digital facilities. Fairfield notes that upon completion, the bulk of its programming and EAS signals will be imported from another cable system's headend in an adjacent city. Fairfield submits that after the rebuild, it will install EAS equipment at the captioned system's headend to transmit EAS signals to local programming channels. Finally, Fairfield believes that it can bring the captioned cable system into EAS compliance within the next twelve months.

4. Based upon our review of the information submitted by Fairfield, we conclude that a temporary waiver of Section 11.11(a) for the captioned cable system from October 4, 2002 until October 1, 2003 is warranted.<sup>8</sup> However, we note that Fairfield did not file its waiver request until October 4, 2002, after the October 1, 2002 deadline for cable systems serving 10,000 or fewer subscribers to install EAS equipment. We find that Fairfield was in violation of the requirement in Section 11.11(a) of the Rules to install EAS equipment by October 1, 2002. We admonish Fairfield for this violation.

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 0.111, 0.204(b) and 0.311 of the Rules,<sup>9</sup> Fairfield Communications **IS GRANTED** a waiver of Section 11.11(a) of the Rules from October 4, 2002 until October 1, 2003 for the captioned cable television system.

6. **IT IS FURTHER ORDERED** that Fairfield Communications is **ADMONISHED** for violating the requirement in Section 11.11(a) of the Rules to install EAS equipment by October 1, 2002.

7. **IT IS FURTHER ORDERED** that Fairfield Communications place a copy of this waiver in its system file.

8. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to James F. Hicklin, Secretary/Treasurer, Fairfield Communications, 112 York Street, Post Office Box 160, Chester, South Carolina 29706.

FEDERAL COMMUNICATIONS COMMISSION

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<sup>6</sup> *Id.* at 15516-15518.

<sup>7</sup> Although Fairfield's waiver request is dated September 10, 2002, the certified mail receipt included with the waiver request shows that the Commission received the waiver request on October 4, 2002.

<sup>8</sup> We clarify that the waiver we are granting also encompasses the EAS testing and monitoring requirements.

<sup>9</sup> 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.

Joseph P. Casey  
Chief, Technical and Public Safety Division  
Enforcement Bureau